

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
SOUTHERN DIVISION

UNITED STATES OF AMERICA, )  
                                  )  
                                  )  
                                 Plaintiff, )  
                                  )  
                                  )  
vs.                           )                         Case No. 11-3003-01-CR-S-GAF  
                                  )  
                                  )  
GERALD L. SMITH, )  
                                  )  
                                  )  
                                 Defendant. )

**ORDER**

Now pending before the Court is Defendant's Amended Motion to Suppress and request for *Franks* hearing (Doc. #25). On August 25, 2011, United States Magistrate Judge Matt Whitworth conducted an evidentiary hearing on the motion to suppress.

On October 6, 2011, United States Magistrate Judge Matt Whitworth issued his Report and Recommendation (Doc. #51). On October 19, 2011, Defendant's Objections to the Report and Recommendation (Doc. #52) were filed.

Upon careful and independent review of the pending motion and suggestions in support thereof, defendant's objections to the Magistrate's Report and Recommendation, as well as the applicable law, this Court hereby adopts and incorporates as its own Opinion and Order the Report and Recommendation of United States Magistrate Judge Matt Whitworth.

Accordingly, it is hereby ORDERED that Defendant's Amended Motion to Suppress (Doc. #25) is OVERRULED and DENIED.

SO ORDERED.

s/ Gary A. Fenner

Gary A. Fenner, Judge  
United States District Court

DATED: October 27, 2011